

**JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT**

*Dale Weis, Chair; Janet Sayre Hoeft*

**THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, FEBRUARY 9, 2023, AT 10:30 A.M.** Members of the public may attend Via Zoom Videoconference **OR** at the Jefferson County Highway Department Committee Room, 1425 S Wisconsin Dr, Jefferson, WI

**THE BOARD OF ADJUSTMENT WILL LEAVE FOR SITE INSPECTIONS AT 10:45 A.M.**

**PETITIONERS OR THEIR REPRESENTATIVES MUST BE IN ATTENDANCE FOR THE PUBLIC HEARING AT 1:00 P.M.** PETITIONERS AND OTHER MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:

Register in advance for this meeting:

<https://us06web.zoom.us/j/88432018141?pwd=RjNkakh5YnROYzd5UDBOMXNEY05HUT09>

Meeting ID 884 3201 8141

Passcode Zoning

After registering, you will receive a confirmation email containing information about joining the meeting

**1. Call to Order-Highway Department Committee Room, 10:30 a.m.**

Meeting called to order at 10:30 a.m. by Weis

**2. Roll Call (Establish a Quorum)**

Members present: Weis, Hoeft

Members absent: -----

Staff: Brett Scherer, Laurie Miller

**3. Certification of Compliance with Open Meetings Law**

Hoeft acknowledged publication. Staff also provided proof.

**4. Approval of the Agenda**

Hoeft made motion, seconded by Weis, motion carried 2-0 on a voice vote to approve.

**5. Approval of January 12, 2023 Meeting Minutes**

Weis made motion, seconded by Hoeft, motion carried 2-0 on a voice vote to approve.

**6. Communications**

The new Board of Adjustment member will be sworn in on Tuesday at County Board.

Scherer informed the Board that there will be no site visit today for the Scott petition due to the location. The site information will be provided through the GIS mapping system.

**7. Public Comment - None**

**8. Site Inspection – Beginning at 10:45 a.m.**

V1713-23 – Richard Scott, G&L Acres LLC Property, PIN 022-0613-1823-000, Town of Oakland, near 15 Dilemma Rd in the Town of Christiana

V1714-23 – Robert & Gloria Lukasiewicz, PIN 028-0513-1124-023, W7927 High Ridge Rd, Town of Sumner

**9. Public Hearing Beginning at 1:00 p.m. in Highway Dept. Committee Room**

Meeting called to order at 1:00 p.m. by Weis

Members present: Weis, Hoeft

Members absent: ---

Staff: Matt Zangl, Brett Scherer, Laurie Miller

**10. Explanation of Process by Committee Chair**

The following was read into the record by Weis:

***NOTICE OF PUBLIC HEARING  
JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

**NOTICE IS HEREBY GIVEN** that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, February 9, 2023 in the Jefferson County Highway Department Committee Room, 1425 S Wisconsin Dr, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. An AREA VARIANCE is a modification to a dimensional, physical, locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment. A USE VARIANCE is an authorization by the board of adjustment to allow the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, a petitioner for an AREA VARIANCE bears the burden of proving “unnecessary hardship,” by demonstrating that 1) strict compliance with the zoning ordinance would

unreasonably prevent the petitioner from using the property for a permitted purpose, or 2) would render conformity with the zoning ordinance unnecessarily burdensome. A petitioner for a USE VARIANCE bears the burden of proving that 3) strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. Variances may be granted to allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; discussion and possible action may occur after public hearing on the following:

**V1713-23 – Richard A. Scott/G&L Acres LLC Property:** Variance from Sec. 11.03(f) and 11.04(f)6.v. of the Jefferson County Zoning Ordinance to create a 0.9-ac lot in an A-1, Exclusive Agricultural zone to be transferred to adjoining ownership in Dane County. The site is on PIN 022-0613-1823-000 (34.585 ac) in the Town of Oakland.

Richard Scott (15 Dilemma Road) presented his petition. Also present was Jean Scott. The property has been in the family since 1945. In 1982, they added a loafing shed to the east of the barn using the same footprint of an old chicken house that was there, and they rented some land to the east of their property from the former owners. The owners of the lot to the east wanted to sell the property and it was surveyed. It was found that the building was too close to the lot line. They tried to purchase additional lands at that time, but the owner wanted to sell their land in whole. This past summer, the land was sold and they came to an agreement with the current owner to purchase 50' of that lot which comes to .90 acre. The township was in favor. This is to clear up a mistake from 30 years ago.

Hoelt asked if they were proposing any structures in the 50' strip. The petitioner stated no. The area is wet and low towards the south, and to the north, they have a raised garden bed and some plantings. The property will stay as is.

Weis asked if the septic or well were located in the strip. The petitioner explained the existing location of the septic & well. There will be no changes proposed. Weis noted that they are currently not meeting the setbacks and by asking for the purchase of additional lands, it will clear it up and give a setback area. The petitioner further explained.

There was a town response in the file in favor of the petition which was read into the record by Weis. There were no questions or comments in favor or opposition of the petition.

Scherer gave staff report. He noted they were asking for less than 35 acres as a buffer area on the Jefferson County Line. Zangl noted that this would be creating a substandard parcel without road access.

Weis asked if there as any approval from Dane County. The petitioner stated no because he is encroaching on Jefferson County land.

**V1714-23 – Robert & Gloria Lukasiewicz:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow reduced road setbacks for a carport at **W7927 High Ridge Rd** in the Town of Sumner, on PIN 028-0513-1124-023 (0.36 ac). The property is in a Waterfront zone.

Robert & Gloria Lukasiewicz (W7927 High Ridge Rd) appeared by Zoom to present their petition. Mr. Lukasiewicz stated they needed the carport to park their vehicles. The lot is substandard and there is no other place to put anything. They have it set back as far as they can which is 16' to the edge of the road and it is in line with the power poles. There are other properties with structures in the area that are closer.

Weis asked for the location of the well and septic. The petitioner stated the well is split between the properties and the septic is located towards the lake. Zangl noted there is not permit on file for the septic. Weis asked what type of septic they had. Ms. Lukasiewicz stated it was a regular system. Weis clarified that it was not a holding tank. The petitioner stated it was not. Weis asked, in terms of high ground water, how close the water gets to the house. The petitioner stated during the 2008 flood, the water came up to the edge of the cottage. The cottage is on 2 ½ - 3' piers and the property slopes toward the lake. Other than that flood, the water has only come to 30'-40' from the cottage and they have had the property since 1955.

Hoeft noted there was a carport already there and asked if he was proposing another one or putting up a new one. The petitioner stated they put it up 1 ½ years ago. They had sent in the permit and then got information that it did not meet the ordinance standards and needed to get a variance. He further explained. Hoeft asked why they chose put it up without a permit. The petitioner stated they had the permit. He stated he sent in the permit and the check was cashed. Scherer state the permit was submitted, but it did not comply with the setbacks and did not meet the standards so they needed the variance to clear it up.

Weis asked if this was a summer cottage. The petitioner stated that it is their full-time residence. They do come to Texas for 3 months out of the year.

Hoeft had questions about the septic. Zangl explained and there was further discussion. There were no questions or comments in favor or opposition of the petition. There was a town response in the file in favor of the petition which was read into the record by Weis.

Zangl asked for the size of the carport. The petitioner stated it was 18'x20'. Zangl asked how close it was to the house. The petitioner stated it was ½' away. Weis asked if the recorded ROW was 66'. Zangl stated it was roughly 40'. Weis stated that if it's only 10' from the pavement, it's probably encroaching into the ROW. The petitioner stated he was set back from the telephone poles, so if he is encroaching into the ROW, then so are the telephone poles. Zangl noted the telephone poles can be in the ROW because of a utility easement. Hoeft noted if people had some expectation of a place to put vehicles that belong to the dwelling, this is his only option. Weis stated whether it be portable or permanent, it still may be encroaching into the ROW.

## **11. Discussion and Possible Action on Above Petitions @1:37 p.m. (See following pages & files)**

## 12. Adjourn

Hoeft made motion, seconded by Weis motion carried 2-0 on a voice vote to adjourn @ 1:58 p.m.

### **JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT**

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

Additional information on Zoning can be found at [www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov)

Drafted by: Laurie Miller

**DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN**

**FINDINGS OF FACT**

PETITION NO.: 2023 V1713

HEARING DATE: 02-09-2023

APPLICANT: Richard A Scott

PROPERTY OWNER: G & L Acres LLC

PARCEL (PIN) #: 022-0613-1823-000

TOWNSHIP: Oakland

INTENT OF PETITIONER: Allow a .90-acre A-1 land transfer to the adjacent landowner in Dane County

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

- Property zoned A-1, Exclusive Agricultural (34.585 Ac)
- Request is to allow transfer of 0.90-acres of A-1 land to adjoining landowner located in Dane County
- Variance from sec 11.04(f)6 – minimum lot size for A-1 zones = 35'
- Request is asking to create 0.9-acre A-1 lot
- Town approved on 1/17/2023

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.



**DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN**

**FINDINGS OF FACT**

PETITION NO.: 2023 V1714

HEARING DATE: 02-09-2023

APPLICANT: Robert & Gloria Lukasiewicz

PROPERTY OWNER: SAME

PARCEL (PIN) #: 028-0513-1124-023

TOWNSHIP: Sumner (W7927 High Ridge Rd)

INTENT OF PETITIONER: Allow a reduced road setback for a proposed carport

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)2 OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

- Property zoned W, Waterfront (0.360-Ac)
- Request for reduced setback from road right-of-way and road centerline to carport
- Section 11.07(d)2 setbacks = 30' from road right-of-way and 63' from road centerline
- Proposed setback of 10' from edge of road
- Proposed setback of approximately 0' from road right-of-way
- VIO048-2020 structure was put up without Zoning and Land Use Permit
- Majority of property is located in floodplain/flood fringe – proposed car port located outside of 100-yr floodplain
- Town approved on 1/9/2023

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections  
conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

